

FOREIGN RELATIONS 174

port Control (2), (4), is at 1320, as y to chapter For com e Code, see 2751 of this

Pub.L. as subpar. and designa- fiscal year added sub-

Pub.L. orated part designated export Con- al Defense ed notifica- chairman of ations, and ury"; in-

serted pars. (2) and (3); incorporated part of existing first sentence, second sentence, and substance of third sentence in provisions designated par. (4) and inserted reference to the Arms Export Control Act; and designated fourth sentence as par. (5) and substituted therein "may not" for "shall not".

Effective Date of 1985 Amendment. Amendment by Pub.L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub.L. 99-83, set out as a note under section 2151-1 of this title.

Delegation of Functions. Functions of the President under subsec. (b) of this section, with certain exceptions, delegated to the Secretary of State, see section 1-201(a)(10) of Ex.Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-533, see 1980 U.S. Code Cong. and Adm. News, p. 6540. See, also, Pub.L. 99-83, 1985 U.S. Code Cong. and Adm. News, p. 158.

TERMINATION OF PRESIDENT

Apr. 14, 1981, 46 F.R. 24141

RT FUND ASSISTANCE FOR NICARAGUA

me by the ended (the ance with of the Act assistance chapter 4 seq. of this h of this

chapter 4 of part II of the Act [section 2346 et seq. of this title], without regard to section 533(f) of the Act [former section 2346b of this title], is important to the security interests of the United States; and

(3) authorize the continuation of such assistance.

You are requested to report this determination to the Congress immediately in accordance with the requirements of the Act.

This determination shall be published in the **Federal Register**.

RONALD REAGAN

TERMINATION OF PRESIDENT

May 13, 1981, 46 F.R. 27623

RT FUND ASSISTANCE FOR LIBERIA

n me by ce Act of 1) of this

chapter to those countries, is important to the security interests of the United States; and

(2) authorize the furnishing of such assistance to Liberia.

You are requested to report this determination to the Congress immediately, and none of the assistance provided for herein shall be furnished until after such report has been made.

This determination shall be published in the **Federal Register**.

RONALD REAGAN

175 FOREIGN RELATIONS

22 § 2370

DETERMINATION OF PRESIDENT

No. 81-10, June 9, 1981, 46 F.R. 31635

ECONOMIC SUPPORT FUND ASSISTANCE FOR EL SALVADOR

By virtue of the authority vested in me by section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the Act) [subsec. (a)(1) of this section], I hereby:

(1) determine that the furnishing to El Salvador of not to exceed \$18,000,000 in assistance under chapter 4 of part II of the Act [section 2346 et seq. of this title] from amounts appropriated for assistance to Israel and Egypt under that chapter in the fiscal year 1981, without regard to statutory allocations of assistance under that chapter to

those countries, is important to the security interests of the United States; and

(2) authorize the furnishing of such assistance to El Salvador.

You are requested on my behalf to report this determination to the Congress immediately, and none of the assistance provided for herein shall be furnished until after such report has been made.

This determination shall be published in the **Federal Register**.

RONALD REAGAN

§ 2367. Termination of assistance; availability of funds for winding up programs; participant training

Assistance under any provision of this chapter may, unless sooner terminated by the President, be terminated by concurrent resolution. Funds made available under this chapter shall remain available for a period not to exceed eight months from the date of termination of assistance under this chapter for the necessary expenses of winding up programs related thereto. In order to ensure the effectiveness of assistance under this chapter, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

(As amended Pub.L. 96-533, Title III, § 310, Dec. 16, 1980, 94 Stat. 3148.)

Unconstitutionality of Legislative Veto Provisions

The provisions of section 1254(c)(2) of Title 8, Aliens and Nationality, which authorize a House of Congress, by resolution, to invalidate an action of the Executive Branch, were declared unconstitutional in Immigration and Naturalization Service v. Chadha, 1983, 103 S.Ct. 2764, 462 U.S. 919, 77 L.Ed.2d 317. See similar provisions in this section.

1980 Amendment. Pub.L. 96-533 authorized expenses for termination of programs to include completion of training or studies for students commenced outside their countries of origin prior to such termination.

Delegation of Functions. Functions of the President under this section, insofar as they relate

to section 2291 et seq. of this title and section 2301 et seq. of this title, delegated to the Secretary of State, see section 1-201(a)(16) of Ex.Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-533, see 1980 U.S. Code Cong. and Adm. News, p. 6540.

§ 2370. Prohibitions against furnishing assistance

[See main volume for text of (a)]

(b) Repealed. Pub.L. 97-113, Title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

[See main volume for text of (c) to (e)]

(f) Prohibition against assistance to Communist countries; conditions for waiver of restriction by President; enumeration of Communist countries; removal from application of provisions; preconditions and procedures

(1) No assistance shall be furnished under this chapter, (except section 2174(b) of this title) to any Communist country. This restriction may not be waived pursuant to any authority contained in this chapter unless the President finds and promptly reports to Congress that: (A) such assistance is vital to the security of the United States; (B) the recipient country is not controlled by the international Communist conspiracy; and (C) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" includes specifically, but is not limited to, the following countries:

22 § 2370

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(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President may remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States. It is the sense of the Congress that when consideration is given to authorizing assistance to a country removed from the application of this subsection, one of the factors to be weighed, among others, is whether the country in question is giving evidence of fostering the establishment of a genuinely democratic system, with respect for internationally recognized human rights.

Czechoslovak Socialist Republic,
Democratic People's Republic of Korea,
Estonia,
German Democratic Republic,
Hungarian People's Republic,
Latvia,
Lithuania,
Mongolian People's Republic,
People's Republic of Albania,
People's Republic of Bulgaria,
People's Republic of China,
Polish People's Republic,
Republic of Cuba,
Socialist Federal Republic of Yugoslavia,
Socialist Republic of Romania,
Socialist Republic of Vietnam,
Tibet,
Union of Soviet Socialist Republics (including its captive constituent republics).

(g) Use of assistance funds to compensate owners for expropriated or nationalized property; waiver for land reform programs

Notwithstanding any other provision of law, no monetary assistance shall be made available under this chapter to any government or political subdivision or agency of such government which will be used to compensate owners for expropriated or nationalized property and, upon finding by the President that such assistance has been used by any government for such purpose, no further assistance under this chapter shall be furnished to such government until appropriate reimbursement is made to the United States for sums so diverted. This prohibition shall not apply to monetary assistance made available for use by a government (or a political subdivision or agency of a government) to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.

[See main volume for text of (h)]

(i) Repealed. Pub.L. 97-113, Title VII, § 734(a) (1), Dec. 29, 1981, 95 Stat. 1560

[See main volume for text of (j)]

(k) Maximum amount of assistance, including military assistance, to individual countries without approval of or presentation to Congress

Without the express approval of Congress, no assistance shall be furnished under this chapter to any country for construction of any productive enterprise with respect to which the aggregate value of assistance to be furnished by the United States will exceed \$100,000,000, except that this sentence does not apply with respect to assistance for construction of any productive enterprise in Egypt which is described in the presentation materials to Congress. Except as otherwise provided in section 2318 of this title, no military assistance shall be furnished to any country under this chapter for carrying out any program, with respect to which the aggregate value of assistance to be furnished beginning July 1, 1966, by the United States will exceed \$100,000,000 unless such program has been included in the presentation to the Congress during its consideration of authorizations for appropriations under this chapter or of appropriations pursuant to authorizations contained in

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(m) Repealed. P

(s) Restraint of a

(1) In order to ensure that military purpose ment loans, Al chapter, and be Assistance Act

(A) the p devoted to r

(B) the d foreign excl

(C) Repea

(x) Omitted

(As amended Pub.L. VII, §§ 702, 707, 712, XII, §§ 1202, 1203.

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Codification. Sub- to Pub.L. 95-384, § 737, which provided further force and effe mination and certifi precedent which was randum dated Sept below.

1985 Amendment. 99-83, § 1202(1), (2) (f) as par. (1) and, (A)" for "(1)", "(B" "(3)".

Subsec. (f)(2). Pub par. (2).

Subsec. (g). Pub.I visions relating to wa of land reform progr

1981 Amendment. 97-113, § 734(a) (1), aid to countries unle that they were not do Communist movemen ered in subsec. (f) of

Subsec. (f). Pub.I in last sentence "incl limited to" for "shall be limited to"; repea the list of countries "Communist country name as follows: "De of Korea" for "North "German Democratic